R E M A R K S

Claims 1 through 44 are in the application, with claims 1, 9, 13, 21, 24, 31, 33, and 41 having been amended. Claims 1, 9, 13, 21, 24, 31, 33, and 41 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections

Claims 9-12, 21-23, 31, and 32 are rejected under 35 U.S.C. §101. Claims 24-32 are rejected under 35 U.S.C. §112 first paragraph. Claims 24-32 are rejected under 35 U.S.C. §112 second paragraph. Claims 1-40 are rejected under 35 U.S.C §102 as being anticipated by U.S. Publication No. 2004/0187112 ("Potter"). Claims 41-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Potter in view of U.S. Patent Publication No. 2003/0233388 ("Glasco"). Reconsideration and withdrawal of the rejections are respectfully requested.

§101 Rejections

Claims 9-12, 21-23, 31, and 32 are rejected under 35 U.S.C. §101 as allegedly reciting non-statutory subject matter. As stated in M.P.E.P. §2106.01, "when functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be **statutory** in most cases since use of technology permits the function of the descriptive material to be realized". Moreover, "a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus **statutory**" (emphasis added).

In support of the §101 rejection, the Office Action indicates that the subject matter of Claims 9-12, 21-23, 31, and 32 does not constitute statutory subject matter such as a process, machine, article of manufacture or composition of matter and sites to the Interim Guidelines for Examination of Patent Applications for Patent Subject Material Eligibility. The Interim Guidelines proposed by the United States Patent and Trademark Office additionally state "when

functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases (Interim Guidelines for Examination of Patent Application for Patent Subject Matter Eligibility, Annex IV, paragraph 2, Official Gazette, November 22, 2005).

Applicant notes that Claims 9-12, 21-23, 31, and 32 in fact relate to a "medium storing program code, the program code executable to", and therefore Claims 9-12, 21-23, 31, and 32 recite statutory subject matter. Withdrawal of the §101 rejection is respectfully requested.

§112 Rejections

The Office Action alleges that the present application does not "clearly describe how a processing sequence is determined to be locked or not locked" and that it is "not clear what is meant by a sequence is locked". Applicant respectfully points out that the present application discloses a lock_sequence command and an unlock_sequence command. As described on page 14 of the present application, process 900 discloses that a sequence number may be received as a parameter to a lock_sequence command and that the lock_sequence command may be received by a command queue of an SEU control logic 263. Status registers of control logic 263 may indicate whether any sequence lock operations are pending. For example, the status registers may indicate that a particular thread has previously issued the sequence_lock command and owns the sequence controlled by SEU 260 (i.e. the sequence is locked). However, if no thread currently owns the sequence, then flow may continue from 902 to 903 (i.e. the sequence is unlocked). Accordingly, the present application describes how a processing sequence may be locked or not locked. Therefore, withdrawal of the section 112 rejections is respectfully requested.

§102/§103 Rejections

Claims 1, 9, 13, 21, 24, 31, 33, and 41

Amended independent claim 1 relates to a method. The method comprise receiving a network packet, dividing the network packet into a plurality of m-packets, receiving a portion of the network packet where the portion of the network packet comprises one of the plurality of m-packets, retrieving a sequence number, passing the sequence number to a sequence election unit, waiting to receive a signal to process the packet from the sequence election unit, and performing processing on the packet in response to receipt of the signal. Moreover, a size of each of the plurality of m-packets is equal to an element size, and the element size is associated with a receive buffer.

The art of record cannot be seen to disclose or to suggest the above-mentioned features of amended independent claim 1. In particular, the art of record cannot be seen to disclose or to suggest receiving a network packet, and dividing the network packet into a plurality of m-packets where a size of each of the plurality of m-packets is equal to an element size, and where the element size is associated with a receive buffer.

The Office Action states that Potter discloses receiving a portion of a network packet at 424 of FIG. 4. Arrow 424, as described in paragraph [0040], indicates packets that require some type of processing. However, nowhere does Potter disclose that a received packets is divided into a plurality of m-packets where a size of each of the plurality of m-packets is equal to an element size, and where the element size is associated with a receive buffer.

Therefore, in view of the foregoing, nowhere can Potter be seen to disclose or to suggest receiving a network packet, and dividing the network packet into a plurality of m-packets where a size of each of the plurality of m-packets is equal to an element size, and where the element size is associated with a receive buffer. In view of the foregoing, amended independent claim 1 and its related dependent claims are believed to be in condition for allowance.

Amended independent claims 9, 13, 21, 24, 31, 33, and 41 each disclose that a network packet is divided into a plurality of m-packets, where a size of each of the plurality of m-packets is equal to an element size, and where the element size is associated with a receive buffer. In view of the foregoing, amended independent claims 9, 13, 21, 24, 31, 33, and 41 and their related dependent claims are also believed to be in condition for allowance.

C O N C L U S I O N

The outstanding Office Action presents a number of characterizations regarding the applied references, some of which are not directly addressed by this response. Applicant does not necessarily agree with the characterizations and reserve the right to further discuss those characterizations.

For at least the reasons given above, it is submitted that the entire application is in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-4982.

Respectfully submitted,

March 14, 2008   /Richard S. Finkelstein/
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